

## **SETTLEMENT CONFERENCE**

### **What is an settlement conference?**

The settlement conference process is a confidential dispute resolution method wherein a skilled neutral conducts a conference attended by opposing parties and their representatives. The purpose of the conference is to reach a mutually acceptable and appropriate settlement in the matter prior to litigation or formal proceedings.

### **How does the process work?**

Prior to the settlement conference, each side submits a brief account of the events giving rise to the claim and the parties' central contentions. This account should outline the principal legal theories on which each party is likely to rely; identify the nature and source of the evidence that is likely to be adduced either to support or to challenge the elements of each legal theory; identify the legal theories that will be challenged and provide the legal authorities on which each side is likely to rely in contesting each theory; identify the significant points about which there are disputes and describe the key discovery and documentation that supports each contending position. The neutral reviews these materials prior to convening the settlement conference. The neutral facilitates negotiations between the parties and their representatives but is not a trier of fact and will not make final decisions for the parties. When the parties reach an agreement, a written settlement agreement will be drafted that will contain the terms agreed to by the parties.

### **Advantages of the settlement conference ADR process.**

The settlement conference provides control over costs, time, procedures used in seeking resolution, consideration of information and how it is communicated, improves pretrial efficiency, and supports privacy. The settlement conference is appropriate when documentation is essential to facilitate settlement and the parties desire to achieve ends that judgments could not achieve. This process offers disputants an opportunity for improved communication, analytical focus and feedback, assists parties with a reality check, and improves the quality of agreements.

### **Is the settlement conference right for me?**

To assist in choosing whether or not the settlement conference is appropriate for your dispute, you should consider the following:

- a. There may be financial damages involved.
- b. Facilitated negotiations are desired.
- c. Technical documents are reviewed.

### **Who should be present during the settlement conference?**

Attendees may include the disputant and his/her representative, management official (with authority to settle), the agency representative, and the neutral. During a settlement conference, both parties usually have attorney representatives. Since the settlement conference is voluntary, any party can end the proceedings at any time and the disputant may pursue the filing of a formal complaint under the 29 C.F.R. Part 1614.